

C O P Y in 444B

Opinion

NEW HAMPSHIRE LAW LIBRARY

December 1, 1958

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CONCORD, N.H.

Mr. S. W. Hoitt
Director, Extension Service
University of New Hampshire
Durham, New Hampshire

Dear Mr. Hoitt:

In a letter of November 25, 1958 you referred to Laws 1957, c. 312, and you posed certain inquiries with respect to the payment of Assistant Agents in specified situations. It is our belief that each of your inquiries may be answered in the affirmative.

The pertinent language of the statute cited is as follows:

"From said appropriation . . . there shall be paid not exceeding the sum of two thousand two hundred dollars per year toward the maintenance of each assistant agent in any county which shall appropriate at least an equal amount for said purpose . . ."

From this language it appears simply that the Legislature intends no more than to make available the services performed by an Assistant Agent to the extent that the same may be provided through the sum mentioned. There is seen no intent to create and fill an exclusive office, or otherwise to endow the person hired to perform the duties of Assistant Agent with such special characteristics as would preclude his serving in a similar post in another County when not engaged in the performance of work in the first County. The material consideration is the rendition of the service - not the identity of the person who renders it.

Thus, in answer to your first question, no objection is seen to an Assistant Agent's dividing his time among two Counties. In the same manner, the funds made available to a single County may be paid out to more than one person if, in fact, more than one person actually renders the appropriate service, as in your second inquiry. The statute does not set the



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salary - as much - to be paid an Assistant Agent. It provides simply that only a certain sum on a matching basis shall be made available by the State annually "toward the maintenance" of each Assistant Agent. If it is reasonable to expect the entire State's share (in conjunction with a similar amount from the County) in less than a year no legal objection is seen to doing so.

Very truly yours,

Warren E. Waters
Deputy Attorney General